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Attorneys for Defendant Boston Scientific Corporation

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT

PAMELA COLEMAN, an individual,

Plaintiff,

vs.

BOSTON SCIENTIFIC  
CORPORATION, a Massachusetts  
corporation, and DOE  
MANUFACTURERS one through one  
hundred,

Defendants.

Case No. 1:10-CV-01968-OWW-SKO

Mag. Judge: Hon. Sheila K. Oberto  
Dept.: 3

**STIPULATION AND JOINT  
REQUEST TO CONTINUE  
SCHEDULING CONFERENCE  
AND ORDER**

Complaint filed: 10/20/2010

**Trial Date: None set**

TO THE COURT AND ALL ATTORNEYS OF RECORD:

Plaintiff Pamela Coleman and Defendant Boston Scientific Corporation  
("BSC"), by and through their counsel of record, stipulate to and jointly request a  
continuance of the scheduling conference based on the following:

1. Plaintiff filed the complaint in this action on October 20, 2010 and BSC  
was served with the complaint on or about December 29, 2010.
2. The Court set a scheduling conference for April 6, 2011. (Doc. No. 6.)

3. BSC filed a motion to dismiss the complaint on February 16, 2011. (Doc. No. 9.) Pursuant to stipulation of the parties, the Court continued the scheduling conference from April 6, 2011 to April 20, 2011 in light of BSC's pending motion to dismiss. (Doc. No. 16.)

4. On April 11, 2011, the Court granted BSC's motion to dismiss with leave to amend. (*See* Doc. No. 29.)

5. On April 12, 2011, the Court issued a minute order setting a scheduling conference for July 22, 2011. (Doc. No. 26.)

6. Plaintiff filed a first amended complaint on June 17, 2011. (Doc. No. 31.) On July 7, 2011 BSC filed a motion to dismiss the first amended complaint and the motion was set to be heard on August 15, 2011. (Doc. No. 34.)

7. On July 11, 2011, the parties stipulated to continue the scheduling conference to August 26, 2011 to allow BSC's motion to dismiss to be heard prior to the scheduling conference and the submission of the joint scheduling conference statement. The Court issued an order granting the stipulation and setting the scheduling Conference for August 26, 2011. (*See* Doc. Nos. 37, 38.)

8. On August 2, 2011, the Court issued a minute order continuing the hearing on BSC's motion to dismiss from August 15, 2011 to August 22, 2011. On August 16, 2011, pursuant to stipulation of the parties, the court continued the scheduling conference from August 26, 2011 to October 20, 2011 in light of the new hearing date for BSC's motion to dismiss. (Doc. No. 46.)

9. On August 22, 2011, the Court granted BSC's motion to dismiss the first amended complaint with leave to amend. (Doc. No. 51.)

10. On September 21, 2011 the October 20 scheduling conference date was vacated due to the impending retirement of the Honorable Oliver W. Wanger. (*See* Doc. No. 52.)

1           11. On September 26, 2011, Plaintiff filed her second amended complaint.  
2 (Doc. No. 53.)

3           12. On October 24, 2011, the Court reset the scheduling conference to  
4 November 22, 2011 before Magistrate Judge Sheila K. Oberto. The parties' joint  
5 scheduling report is due by November 15, 2011. (Doc. No. 56.)

6           13. On October 26, 2011, BSC filed a motion to dismiss the second amended  
7 complaint. (Doc. No. 58.) The motion is set for hearing on December 1, 2011.

8           14. All parties have agreed and respectfully request that the scheduling  
9 conference be continued to December 20, 2011, or to a date preferred by this Court, in  
10 order for Defendants' Motion to Dismiss and Plaintiffs' Opposition thereto to be  
11 considered. The parties also request that their joint scheduling report be due  
12 December 13, 2011.

13           15. There is good cause to continue the scheduling conference and the  
14 submission of the joint scheduling conference statement until after the Court issues a  
15 ruling on BSC's motion to dismiss.  
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1 IT IS HEREBY STIPULATED, subject to the approval of the Court, that the  
2 scheduling conference currently set for November 22, 2011, be continued to  
3 December 20, 2011, or a date more convenient for the Court, and the parties' joint  
4 scheduling conference statement be due on December 13, 2011.  
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6 Dated: October 31, 2011

Respectfully Submitted,  
SHOOK, HARDY & BACON L.L.P.

9 By: /s/ Natasha L. Mosley  
10 Natasha L. Mosley  
11 Attorneys for Defendant  
Boston Scientific Corporation  
12

13 Dated: October 31, 2011

GIARDI KEESE

15 By: /s/ Amanda Kent  
16 (authorized on October 31, 2011)  
17 Thomas V. Girardi  
18 Amy F. Solomon  
19 Michael Kowsari  
20 Amanda Kent  
Attorneys for Plaintiff

21 ORDER

22 The scheduling conference presently scheduled for November 22, 2011, is  
23 hereby continued to December 20, 2011, at 9:30 a.m. before Magistrate Judge Sheila  
24 K. Oberto in Courtroom 7.

25 IT IS SO ORDERED.

26 Dated: November 2, 2011

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE